

## REMARKS

Applicants respectfully note that the Braitberg publication 2002/0101816 is a commonly-assigned reference and is thus unavailable for the basis of the 103(a) rejection of claims 1-11 and 13-26. Specifically, the subject matter of the Braitberg publication 2002/0101816 and the claimed invention were, at the time the claimed invention was made, owned by the same entity (namely, Dataplay, now doing business as DPHI Acquisitions, Inc.). Accordingly, because the Braitberg publication is only available as a 102(e) reference, it cannot be used against the pending claims under 35 USC 103(a).

To more distinctly claim the dramatically different nature of Applicants' "first surface" disk, claim 1 has been amended to include the subject matter discussed with regard to Applicants' Figure 11 on, for example, page 16, line 26 through page 17, line 10. As can be seen from Figure 11, as the thickness of the protective dielectric layer (in this case silicon oxynitride) is varied appropriately, the optical contrast between the written and un-written portions of the underlying phase-change material is enhanced. Thus, claim 1 has been amended to include the limitation of "the dielectric layer being deposited to have a thickness that enhances a contrast between the first and second states of the phase-change material."

In sharp contrast, the Pan reference (USP 4,960,680) is plainly directed to a "second surface" optical disk, having a thick defocusing layer covering the phase-change material. Similarly, the Japanese Abstract (JP 3-86943) is directed to a very different form of disk – for example, the phase-change material is not directly deposited on the substrate as required by claim 1 but instead on an interference layer. Moreover, the dielectric coating in JP 3-86943 is merely protective and has no contrast enhancing effect. Finally, the Otaba publication (2005/0089799) has been cited for its teaching of the use of silicon oxynitride as

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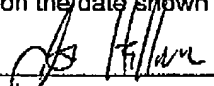
a protective layer – Applicants do not dispute that, indeed, silicon oxynitride has been used as a protective layer in the prior art.

However, Applicants respectfully note that what is not in the prior art is a teaching or suggestion for their inventive first-surface disk, let alone a teaching or suggestion that such a disk has its CNR enhanced when manufactured by a mother stamping feature. Thus, claim 1 is allowable over the Pan, JP-3-86943, and Otaba references.

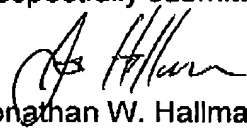
The Dobbin reference (RE 34,506) adds nothing further in that does nothing to cure the infirmities of the base references. Accordingly, claim 1 and its dependent claims are allowable over the cited prior art. Claim 19 has been amended analogously as discussed with regard to claim 1 such that claim 19 and its dependent are also allowable over the cited prior art for analogous reasons.

Applicants gratefully acknowledge the Examiner's indication that Claim 13 requires its dependency to be amended. Thus, claim 13 has been amended to depend upon claim 1.

For the foregoing reasons, Applicants respectfully submit that the pending claims are in condition for allowance.

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Respectfully submitted,

  
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